

MFR  
OLC 78-035713

3 February 1978

## MEMORANDUM FOR THE RECORD

SUBJECT: Nazi War Criminals

1. On 2 February 1978, the undersigned, in a brief conversation over lunch with Mr. John Tipton, GAO, who is reviewing additional material from the Directorate on Nazi war criminals, reported that he had been in touch with the staff of the House Subcommittee on Immigration, Citizenship and International Law, in particular Mr. Skip Andres, Subcommittee staffer, and Mr. Peter Regis, staff investigator. He noted that Mr. Regis was still expressing his unhappiness that he had not yet received his notes, but the main part of the conversation was devoted to their request of GAO for testimony in February or March.

2. They asked if the GAO could testify in February at the Subcommittee's oversight hearing for their funding. GAO said that in no case would they be prepared but would be ready to participate in the scheduled public hearings of the Subcommittee in mid-March. According to Mr. Tipton, the GAO position is that at the public hearings, they will discuss the question of the Nazi war criminals in general terms without dealing in specific cases partly to honor their commitment to the DOJ not to cloud ongoing prosecutions and secondly to honor their commitment to the CIA and the FBI that they would not discuss material that either agency had classified. According to Mr. Tipton, Mr. Andres could not understand why GAO would not give a complete rundown and was told that CIA, for one, had classified some of the information and that in any case, the GAO was obliged to review their testimony with the Agency and with the FBI before presentation. GAO made the point that if the Subcommittee wanted specific information on relationships to individual alleged war criminals which the Agency or the FBI had classified that it was GAO's position that they could turn to the agencies involved and have them testify if appropriate.

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3. Mr. Tipton also asked that we give him a general statement on our use of the assets with whom we were in contact and include a general statement which would explain why both Office of Security and the IO had the information. I suggested he talk to OLC next week (which expands the original GAO request) but to bear in mind that any statement, general or specific, that would confirm use or contact with any individual still comes out as acknowledging CIA interest, which we hold to be classified.

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